

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

OSCAR DELGADO,

Plaintiff,

v.

WEXFORD HEALTH SOURCES, INC., DR.
KURT OSMUNDSON, DR. RODERICK
MATTICKS, DR. JANSSEN WILLIAMS,
and HEATHER CARPENTER WAMPLER,

Defendants.

Case No. 16-cv-656-JPG-RJD

MEMORANDUM AND ORDER

This matter comes before the Court on the Report and Recommendation (“Report”) (Doc. 38) of Magistrate Judge Reona J. Daly recommending that the Court grant the defendants’ motion for summary judgment on the grounds that plaintiff Oscar Delgado failed to exhaust his administrative remedies before filing suit (Doc. 35).

The Court may accept, reject or modify, in whole or in part, the findings or recommendations of the magistrate judge in a report and recommendation. Fed. R. Civ. P. 72(b)(3). The Court must review *de novo* the portions of the report to which objections are made. *Id.* “If no objection or only partial objection is made, the district court judge reviews those unobjectionated portions for clear error.” *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

The Court has received no objection to the Report. The Court has reviewed the entire file and finds that the Report is not clearly erroneous. Accordingly, the Court hereby:

- **ADOPTS** the Report in its entirety (Doc. 38);
- **GRANTS** the defendants’ motion for summary judgment (Doc. 35);

- **DISMISSES** this lawsuit **without prejudice** for failure to exhaust administrative remedies; and
- **DIRECTS** the Clerk of Court to enter judgment accordingly.

IT IS SO ORDERED.

DATED: February 23, 2018

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE